



IFW

PATENT
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. N00.2100C2)

In Re Application of: Bakthavatchalam, et al.)
Serial No. : 10/820,344) Examiner: Not yet assigned
Filed: 04/08/2004) Art Unit: Not yet assigned
For: MELANIN CONCENTRATING)
HORMONE RECEPTOR LIGANDS)

TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Arlington, VA 22313-1450

Dear Sir:

In regard to the above-identified application,

1. We are transmitting herewith the attached:

- a) Information Disclosure Statement (4 pages)
- b) PTO Form 1449 (3 pages)
- c) 33 references listed on PTO Form 1449 (3395 pages)
- d) Postcard

2. CERTIFICATE OF MAILING UNDER 37 CFR § 1.8: The undersigned hereby certifies that this Transmittal Letter and the items described in paragraph 1, are being deposited with the United States Postal Service with sufficient postage as first class mail in a box addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 the 28th day of June 2004.

Respectfully submitted,
NEUROGEN CORPORATION
35 Northeast Industrial Road
Branford, CT 06405
Phone: (203) 488-8201

6/29/2004
Date

By: [Signature]
Ann Kadlecsek
Reg. No. 39,244



PATENT
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. N00.2100C2)

In Re Application of: Bakthavatchalam, et al.)
Serial No. : 10/820,344) Examiner: Not yet assigned
Filed: 04/08/2004) Art Unit:
For: MELANIN CONCENTRATING)
HORMONE RECEPTOR LIGANDS)

COMMISSIONER FOR PATENTS
P.O. BOX 1450
ARLINGTON, VA 22313-1350

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

This information disclosure statement is filed under 37 C.F.R. §§1.97-1.98 in compliance with the duty of disclosure set forth in 37 C.F.R. §1.56.

In the judgment of the undersigned, the references listed on the attached Form PTO-1449 may be material to the Examiner's consideration of the presently pending claims. However, the references have not been reviewed in sufficient detail to make any other representation and, in particular, no representation is intended as to the relative relevance between references, whether cited in this statement or prior statements.

1. U.S. Patent No. 6,284,761, Zhang et al., issued on 9/4/2001.
2. U.S. Patent No. 6,172,229, Thurkauf et al., issued on 1/09/2001.
3. U.S. Patent No. 6,057,371, Glennon, issued on 5/2/2000.
4. U.S. Patent No. 6,048,876, Annoura et al., issued on 4/11/2000.
5. U.S. Patent No. 5,859,246, Thurkauf et al., issued on 01/12/1999.
6. U.S. Patent No. 5,681,954, Yamamoto et al., issued on 10/28/1997.
7. U.S. Patent No. 5,569,659, Reitz, issued on 10/29/1996.
8. U.S. Patent No. 4,370,330, Scherm et al., issued on 1/25/1983.
9. U.S. Patent No. 4,370,329, Scherm et al., issued on 1/25/1983.
10. U.S. Patent No. 3,845,058, Lembo et al., issued on 10/29/1974.
11. PCT International Publication No. WO 02/051809, published on 7/4/2002.

12. PCT International Publication No. WO 02/06245, published on 1/24/2002.
13. PCT International Publication No. WO 02/02744, published on 1/10/2002.
14. PCT International Publication No. WO 01/87834, published on 11/22/2001.
15. PCT International Publication No. WO 01/82925, published on 11/08/2001.
16. PCT International Publication No. WO 01/21577, published on 3/29/2001.
17. PCT International Publication No. WO 01/21169, published on 3/29/2001.
18. PCT International Publication No. WO 99/19301, published on 4/22/1999.
19. PCT International Publication No. WO 98/33784, published on 8/6/1998.
20. PCT International Publication No. WO 98/03494, published on 1/29/1998.
21. PCT International Publication No. WO 98/03493, published on 1/29/1998.
22. PCT International Publication No. WO 98/03492, published on 1/29/1998.
23. PCT International Publication No. WO 97/44334, published on 11/27/1997.
24. PCT International Publication No. WO 97/41108, published on 11/06/1997.
25. PCT International Publication No. WO 96/16040, published on 5/30/1996.
26. PCT International Publication No. WO 96/14307, published on 5/17/1996.
27. Japanese Patent Publication No. 2001-226269, published on 8/21/2001.
28. European Patent No. 624,584 B1, published on 8/19/1998.
29. European Patent Application No. 755,923, published on 1/29/1997.
30. European Patent No. EP 390,654 B1, published on 11/09/1994.
31. European Patent Specification No. 188,887; published on 5/2/1991.
32. Spanish Patent Number ES549465, published on 3/16/1986.
33. European Patent Application No. 177,392, published on 9/11/1985.

Several of the documents recited above are in Japanese. Applicants do not have translations of these documents, but understand them to be directed to MCH receptor antagonists that differ substantially in structure from those of the present invention. PCT International Publication No. WO 01/87834 (item number 13, above) differs, for example, in lack of the core structure of the present invention (comprising a nonaromatic heterocyclic moiety). Applicants believe that the structures within this document that are closest to the present claims are those shown on page 164, line 11, and page 171, line 11. Both of these structures lack the Q moiety, as well as the direct linkage between W and the adjacent phenyl ring, and thus are not encompassed by the present claims.

The core structure comprising a heterocyclic moiety is also lacking in the compounds recited in PCT International Publication No. WO 01/82925 (item number 14, above). Applicants believe that the structures within this document that are closest to the present claims are those shown on page 122, line 13, and page 131, lines 9 and 22. These structures differ from those of the present invention, for example, in the lack of a Q moiety. In addition, the quinolinyl substituents shown on the left hand side of the structures are not encompassed by the present claims.

Compounds recited in PCT International Publication No. WO 01/21169 (item number 16, above) do not comprise piperazine moiety between two 6-membered aromatic rings, and thus are not encompassed by the present invention.

PCT International Publication No. WO 99/19301 (item number 17, above) is directed to certain compounds that comprise a piperazine moiety, but are not encompassed by the instant claims. Applicants believe that the compound shown on page 125 is representative of the disclosed compounds that are most similar to the present invention. Such compounds are not encompassed by the instant claims because, *e.g.*, the Q moiety is lacking.

Compounds within Japanese Patent Publication No. 2001-226269 (item number 26, above) lack the Q moiety of the present application and do not contain a direct bond between W and the ring to which W is attached. Accordingly, these compounds are not within the scope of the present claims.

Spanish Patent Number ES549465 (item number 31) is in Spanish. Applicants do not have a translation of this document, but understand the document to be directed to a process for preparing N'-substituted N-cinnamylpiperazines. N-cinnamyl-N'-(4-fluorophenyl)piperazine is listed in Table I.

European Patent Application No. 177,392 (item number 32, above) is in French. Applicants do not have a translation of this document, but understand the document to be directed to certain compounds that comprise a piperazine moiety, but are not encompassed by the instant claims. Applicants believe that the closest disclosed compound is #17, on page 5. This compound, however, differs from Applicants' invention in several ways, including the presence of a pyridyl group and the lack of a Q moiety.


In accordance with MPEP Sections 609 and 707.05(b), it is requested the document cited be given thorough consideration, and that the document be cited of record in the prosecution history of the present application by initialing on Form PTO-1449. Such initialing is requested even if the Examiner does not consider the cited document to be sufficiently pertinent to use in a


rejection, or otherwise does not consider it to be prior art for any reason, or even if the Examiner does not believe that the guidelines for citation have been fully complied with. This is requested so that each document becomes listed on the face of the patent issuing on the present application.

The Commissioner is hereby authorized to charge any fee deficiencies or credit any overpayment to deposit account no. 501116.

Respectfully Submitted,
NEUROGEN CORPORATION
35 Northeast Industrial Road
Branford, CT 06405
Phone: (203) 488-8201

6/28/2004
Date

By: 
Ann Kadlecek
Reg. No. 39,244

FORM PTO-1449 (Rev. 3-3-99)	U.S. Department of Commerce Patent and Trademark Office	Atty. Docket No.	Serial No.
		N00.2100C2	10/820,344
		Applicant: Bakthavatchalam, et al.	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT		Filing Date: 04/08/2004	Group:
(Use several sheets if necessary)			

U.S. PATENT DOCUMENTS

Examiner Initial		Document Number	Date	Name	Class	Subclass	Filing Date if Appropriate
	1	6,284,761	9/04/2001	Zhang et al.	514, 544		1/06/2000
	2	6,172,229	1/09/2001	Thurkauf et al.	514, 544		1/11/1999
	3	6,057,371	5/02/2000	Glennon	514, 564		6/10/1992

FOREIGN PATENT DOCUMENTS

Examiner Initial		Document Number	Date	Country	Class	Subclass	Translation	
							Yes	No
	1	WO 02/051809	7/4/2002	PCT International				
	2	WO 02/06245	1/24/2002	PCT International				
	3	WO 02/02744	1/10/2002	PCT International				
	4	WO 01/87834	11/22/2001	PCT International				X
	5	WO 01/82925	11/08/2001	PCT International				X
	6	WO 01/21577	3/29/2001	PCT International				
	7	WO 01/21169	3/29/2001	PCT International				X
	8	WO 99/19301	4/22/1999	PCT International				X

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc).

Examiner Initial		

EXAMINER	DATE CONSIDERED
-----------------	------------------------

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of hits form with next communication.

Neurogen Corporation
 35 Northeast Industrial Rd.
 Branford, CT 06405
 Telephone: (203) 488-8201

FORM PTO-1449 (Rev. 2-32)	U.S. Department of Commerce Patent and Trademark Office	Atty. Docket No. N00.2100C2	Serial No. 10/820,344
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary)		Applicant: Bakthavatchalam, et al.	
		Filing Date: 04/08/2004	Group:

U.S. PATENT DOCUMENTS

Examiner Initial		Document Number	Date	Name	Class	Subclass	Filing Date if Appropriate
	1	6,048,876	4/11/2000	Annoura et al.	514, 546		1/23/1996
	2	5,859,246	1/12/1999	Thurkauf et al.	514, 544		1/30/1997
	3	5,681,954	10/28/1997	Yamamoto et al.	544		4/04/1995

FOREIGN PATENT DOCUMENTS

Examiner Initial		Document Number	Date	Country	Class	Subclass	Translation	
							Yes	No
	1	WO 98/33784	8/6/1998	PCT International				
	2	WO 98/03494	1/29/1998	PCT International				
	3	WO 98/03493	1/29/1998	PCT International				
	4	WO 98/03492	1/29/1998	PCT International				
	5	WO 97/44334	11/27/1997	PCT International				
	6	WO 97/41108	11/06/1997	PCT International				
	7	WO 96/16040	5/30/1996	PCT International				
	8	WO 96/14307	5/17/1996	PCT International				

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc).

Examiner Initial		

EXAMINER	DATE CONSIDERED
-----------------	------------------------

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of hits form with next communication.

Neurogen Corporation
35 Northeast Industrial Rd.
Branford, CT 06405
Telephone: (203) 488-8201

FORM PTO-1449 (Rev. 2-32)	U.S. Department of Commerce Patent and Trademark Office	Atty. Docket No. N00.2100C2	Serial No. 10/820,344
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary)		Applicant: Bakthavatchalam, et al.	
		Filing Date: 04/08/2004	Group:

U.S. PATENT DOCUMENTS

Examiner Initial		Document Number	Date	Name	Class	Subclass	Filing Date if Appropriate
	1	5,569,659	10/29/1996	Reitz	514, 540, 544		5/17/1995
	2	4,370,330	1/25/1983	Scherm et al.	424, 544		10/05/1981
	3	4,370,329	1/25/1983	Scherm et al.	424, 544		8/22/1980
	4	3,845,058	10/29/1974	Lembo et al.	260		1/17/1972

FOREIGN PATENT DOCUMENTS

Examiner Initial		Document Number	Date	Country	Class	Subclass	Translation	
							Yes	No
	1	JP 2001-226269	8/21/2001	Japan				X
	2	EP 755,923	1/29/1997	Europe				
	3	EP 624,584	8/19/1998	Europe				
	4	EP 390,654	11/09/1994	Europe				
	5	ES 549465	3/16/1986	Spain				X
	6	EP 188.887	5/2/1991	Europe				
	7	EP 177,392	9/11/1985	Europe				X

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc).

Examiner Initial		

EXAMINER	DATE CONSIDERED
----------	-----------------

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of hits form with next communication.

Neurogen Corporation
35 Northeast Industrial Rd.
Branford, CT 06405
Telephone: (203) 488-8201